



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/221,099

12/28/98

WALKER

J

WD2-98-112

022927

TM02/1218

EXAMINER

WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD CT 06905

ELISCA, P

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

12/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/221,099

Applicant(s)
Walker et al.

Examiner
Pierre Eddy Elisca

Group Art Unit
2161



☒ Responsive to communication(s) filed on Dec 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-91 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-91 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 and 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

Patent and Trademark Office

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Washington, D. C 20231

DETAILED ACTION

1. This office action is in response to application serial number 09/221,099, filed on 12/28/1998.

2. Claims 1-91 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2161

4. Claims 1-91 are rejected under 35 U.S.C. 102 (b) as being patentable by Fraser (WO 97/08638).

As per claims 1-3, 5-11, 13-18, 20-22, 24-30, 32-38, 40-64, 66-72 and 74-91 Fraser discloses a point of sale terminal adapted to provide pricing information for selected products (which is equivalent to Applicant's claimed invention wherein said a method/system for promoting a sale of a substitute product, comprising:
receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal (see., abstract, lines 2 and 3, wherein said a product to be purchased and generating a signal representing the code on the product to be purchased, page 4, page 8);
transmitting the transaction data to a server during a transaction session (see., abstract, lines 3 and 4, wherein said this signal is then used to retrieve the price of the product from a first memory, it is also inherent to know that a server or computer is needed to process the code or the user's request, page 4, page 8);
receiving information regarding a substitute product from the server (see., abstract, lines 4 and 5, wherein said the signal is also used to identify a product which is equivalent to the product to be purchased and to retrieve the price of the equivalent product, page 4, page 8, page 9 and 15); and
offering the substitute product to the customer before the transaction session terminates (see., abstract, line 7, wherein said the price difference then be used by a consumer to decide if the

Art Unit: 2161

equivalent product is a better value than the product he or she intended to purchase, page 4, page 9 and page 15).

As per claims 4, 19, 31, Fraser discloses the claimed method wherein the transaction data includes at least one of: product price, product identifier and product UPC code (see., abstract, figs 1, 2, 4-6).

As per claims 12, 23, 39, 65, 73, Fraser discloses the claimed method wherein the offering comprises transmitting information regarding the substitute product to the consumer via at least one of: a printer, a display terminal and a speaker (see., abstract, fig 4).

Conclusion

5. The prior art made of record and relied upon is considered to applicant's disclosure.
6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. Starting on 10/22/2000 I will be in my office on **Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.**

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Serial Number: 09/221,099

Page 5

Art Unit: 2161

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR:

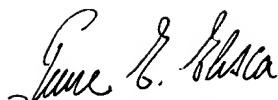
(703) 305-3718 (for informal or draft communications, please label

“PROPOSED” or” DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth floor (receptionist).


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


Pierre Eddy Elisca

Patent Examiner

December 08, 2000